IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 1454 of 2005
Date of Decision: 12.9.2006

Ashok Kumar ...Petitioner

Versus

Jangi Lal ....Respondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri C.B. Kaushik, Advocate, for the petitioner.

Shri Akshay Bhan, Advocate, for the respondent.

JUDGMENT

The challenge in the present revision petition is to the orders passed by the Courts below, whereby order of ejectment has been passed against the tenant, on the ground that the demised premises are required for the bona-fide use and occupation of the landlord and his married sons.

It has been found by the Courts below that the landlord is staying in a barrack and his family consists of two sons and two daughters. Both the sons are married and the two married daughters have two and four children, respectively.

Learned counsel for the petitioner has vehemently argued that the landlord has sought ejectment in terms of Section 13(3)(a)(ii) of the Haryana Urban (Control of Rent & Eviction) Act, 1973 (for short to be referred as `the Act') and, therefore, the landlord is not entitled to the relief sought for. The landlord has not pleaded that that his married sons are not occupying any other building for their residence after the commencement of

East Punjab Urban Rent Restriction Act, 1949.

However, the argument raised by the learned counsel for the petitioner is not tenable. In fact, the landlord has sought ejectment in terms of Section 13(3)(a)(i) of the Act, which is to the effect that the landlord can seek eviction of the tenant if he requires a residential building for his own occupation and that he is not occupying any another residential building in the urban area concerned and has not vacated such building without sufficient cause after the commencement of the 1949 Act, in the said urban area. It is the requirement of the landlord, which is to be examined keeping in view the fact that the sons of the landlord are married. In **Joginder Pal Vs. Naval Kishore Behal 2002(5) SCC 397**, the Hon'ble Supreme Court has held that while assessing the bona-fide requirement of the landlord, the requirement of such other family members, who are ordinarily residing with the landlord, is required to be taken into consideration.

In view thereof, I do not find any patent illegality or irregularity in the orders passed by the Courts below, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present petition is dismissed.

However, the order of ejectment shall not be executed for a period of one month from today.

12-09-2006 (HEMANT GUPTA)
ds JUDGE